IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3264 OF 2007

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Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

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Mr. S.M.Kamble for the petitioners.

None for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 10th July, 2007

P.C.

1. By the impugned order, the Learned Civil Judge, Senior Division refused to hand over the demand draft issued in the name of respective claimants without stating any reasoning except by observing that this draft cannot be handed over to the power of attorney. Once the demand draft is issued in the name of respective claimants and as they are related and as there is a power of attorney executed, I see, there is no reason not to

hand over this demand draft to such power of attorney holder.

2. Resultantly, the impugned order is quashed and set aside. The court is directed to hand over the demand draft of the respective claimants to the power of attorney holder, unless there is any other specific reason. The learned counsel appearing for the State Government has also no objection to this.

3. In view of this, the Writ Petition is allowed.

[ANOOP V. MOHTA, J.]